



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: CardioMetrix

File: B-250247

Date: December 14, 1992

Robert J. Loring, Ph.D., for the protester.
Major Bobby G. Henry, Jr., United States Army, for the agency.
John A. Carter, Esq., and Jerold D. Cohen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Geographic restriction requiring an offeror to have a facility within a 40-mile radius of the installation is reasonable where periodic consultations may be required and additional distance could impair communications between medical staff and contractor.

DECISION

CardioMetrix protests a geographic restriction contained in a request for proposals (RFP) for radiology services issued by Carlisle Barracks, Department of the Army. CardioMetrix contends that a requirement for offerors to have a facility within a 40-mile radius of Carlisle Barracks unduly restricts competition.

We deny the protest.

Carlisle Barracks issued RFP No. DABT43-92-R-0043 on August 10, 1992, to acquire radiological services, such as X-ray interpretations and reports, for the Dunham U.S. Army Health Clinic at Carlisle Barracks. The RFP required that routine interpretations be completed within 3 days and that the contractor provide transportation to pick up and deliver X-rays for routine interpretations. The RFP also required that emergency interpretations be completed within 30 minutes, and provided that the government would furnish transportation for emergency X-rays. The RFP permitted the contractor to provide services on-site at the clinic, and

required that the contractor be on-site not less than once every 3 days. The RFP stated that a prospective offeror had to have a facility within a 40-mile radius of Carlisle Barracks.

CardioMetrix is located about 70 miles from Carlisle Barracks. CardioMetrix contends that it could meet the turnaround requirements by using its own facility for routine interpretations and a local radiologist for emergencies. CardioMetrix asserts that the 40-mile geographic limitation is unreasonable and unduly restricts competition.

The Army contends that vendors such as CardioMetrix would be too distant to provide routine services effectively, because the distance would hinder the transportation of X-rays and impair face-to-face consultations by Carlisle Barracks medical staff and patients. The contracting officer adds that Dunham medical staff will need to consult with the contractor periodically to discuss quality issues and medical interpretations, and maintains that the time and costs of travel beyond 40 miles from Dunham would be prohibitive. The contracting officer also states that patients might want to discuss interpretations face-to-face and should not be required to travel long distances; the government would have to expend the resources to qualify two facilities, if CardioMetrix were the contractor; and there is adequate competition within the 40-mile limit. Additionally, a memorandum from the commanding medical officer notes the clinic's concern with tracking X-ray films during transportation and maintaining communications with the contractor.

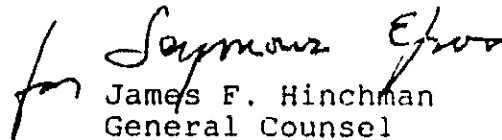
The determination of the proper scope of a geographic restriction is a matter of judgment and discretion, involving consideration of the services being provided, past experience, market conditions, and other factors. Plattsburgh Laundry and Dry Cleaning Corp., et al., 54 Comp. Gen. 29 (1974), 74-2 CPD ¶ 27. We will review an agency's determination to impose a geographic restriction in order to assure that it has a reasonable basis. Blaine Hudson Printing, B-247004, Apr. 22, 1992, 92-1 CPD ¶ 380. Geographic restrictions are not unduly restrictive where they are reasonably necessary to meet the agency's minimum needs. Malco Plastics, B-219886, Dec. 23, 1985, 85-2 CPD ¶ 701.

We think the geographic restriction here is reasonable. We have held that the necessity of employee travel is a legitimate consideration in assessing an agency's need for a geographic restriction. Pamela A. Lambert, B-227849, Sept. 28, 1987, 87-2 CPD ¶ 308. An agency may reasonably impose a geographic restriction to minimize unproductive time for

employee travel during work hours. Anglo American Auto Auctions, Inc., B-242538, Apr. 29, 1991, 91-1 CPD ¶ 416.

Here, we have no basis to question the Army's concern about (1) the need for Dunham's medical staff to consult easily and routinely with the radiologist performing routine service, and (2) the practicality of doing so with a contractor located almost twice as far away from Dunham as the agency judges acceptable. In our view, the Army's need to minimize unproductive travel time for its medical personnel, coupled with the agency's concern that the additional travel time for consultations might risk delays in diagnoses or treatments, are legitimate considerations. In short, we think the Army had a sufficient basis for establishing the geographic restriction.

The protest is denied.


James F. Hinchman
General Counsel